

Appl. No. 10/005,743  
Amdt. dated Oct. 16, 2003  
Reply to Office Action of July 16, 2003

### **REMARKS/ARGUMENTS**

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

#### **In the Claims**

Claims 1 - 14 are presented for the Examiner's consideration. It should be noted that the Examiner has made rejections of each of claims 1 - 14 in the detailed action, but has only listed claims 1 - 11 on the Office Action Summary. Applicant has not cancelled any of claims 1 - 14.

Claim 15 has been added. The new claim reflects a preferred embodiment of the invention (see paragraphs beginning at page 15, line 22; page 16, line 3; page 16, line 12; page 17, line 4; and page 17, line 21).

#### **Summary of the Invention**

This invention relates to a nonwoven fabric for personal care products made of single polymer fibers that have been helically crimped. One embodiment of the present invention is an absorbent core for a personal care product made of helically crimped absorbent fibers. Another embodiment of the invention is a loop material, for a hook and loop fastener, that is made of single component helically crimped fibers.

#### **Regarding Examiner's Rejections**

##### **1. Rejection for anticipation by Bishop et al.**

By way of the Office Action mailed July 16, 2003, Examiner Salvatore rejected claims 1 - 7 and 9 - 11 under 35 U.S.C. § 102(b) as allegedly being anticipated by Bishop et al. (U.S. Patent No. 5,486,166). This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Bishop et al. discloses and teaches a lofty fibrous nonwoven web particularly suited for use as a surge layer in personal care absorbent products (see Abstract). Included in the teachings of Bishop et al. is the use of bicomponent fibers which when quenched, develop a latent helical crimp (column 3, line 64 to column 4, line 15). All of the examples of Bishop et al. also teach the use of bicomponent fibers alone or in combination with single component fibers (column 6, lines 39 to 52 and Examples 1 - 6 discussed starting at column 14, line 39).

However, while the claims of Bishop et al. are not limited to bicomponent fibers, Bishop et al. does not teach the single component, helically crimped fibers of the present invention. When

Appl. No. 10/005,743

Amdt. dated Oct. 16, 2003

Reply to Office Action of July 16, 2003

reading the whole paragraph cited by the Examiner (starting at column 6, line 11), one skilled in the art would recognize that "zig zag or saw tooth" crimp (column 6, line 15) is referring to "single fiber polymer" fibers (column 6, line 20) and that "helically or spirally crimped fibers" (column 6, line 16) is referring to "multiple polymer" fibers (column 6, line 20).

Because Bishop et al. fails to disclose each and every element of Applicants' claims, Applicants respectfully submit that the rejection of claims 1 - 7 and 9 - 11 under 35 U.S.C. § 102(b) in view of Bishop et al. is improper and should be withdrawn.

This is even clearer with newly added claim 15 which has the added limitation of the helical crimp of the fiber is differential shear induced. As discussed above, Bishop et al. discloses a latent helical crimp with bicomponent fibers upon quenching such fibers. In contrast, the discussion of the present invention discloses that the helical crimp of single component fibers is induced from differential shear imposed on the polymer (see discussion starting on page 15, line 21 to page 19, line 14) rather than being latently present, as in the bicomponent fibers of Bishop et al. Therefore, new claim 15 is not anticipated by Bishop et al., in the sense of 35 U.S.C. § 102(b), as Bishop et al. does not teach single component, differential shear induced helically crimped fibers.

## **2. Rejection for anticipation by Stokes et al. '515**

By way of the Office Action mailed July 16, 2003, Examiner Salvatore rejected claims 1 - 4, 11, 13, and 14 under 35 U.S.C. § 102(b) as allegedly being anticipated by Stokes et al. (U.S. Patent No. 5,858,515). This rejection is respectfully traversed to the extent that it may apply to the present claims.

Stokes et al. '515 discloses a pattern-unbonded nonwoven fabric where discrete unbonded areas are suitable for use as a loop fastening material for hook and loop fastening systems. However, Stokes et al. '515 does not disclose or teach the single component, helically crimped fibers of the present invention. All of the discussion regarding helical crimp in Stokes et al. '515 is in regard to the latent helical crimp of bicomponent fibers (column 8, line 44 to column 9, line 5). There is no disclosure or teaching of the single component, helical crimped fibers in Stokes et al. '515.

Because Stokes et al. '515 fails to disclose each and every element of the Applicants' claims, Applicants respectfully submit that the rejection of claims 1 - 4, 11, 13, and 14 under 35 U.S.C. § 102(b) in view of Stokes et al. '515 is improper and should be withdrawn.

## **3. Rejection for anticipation by Stokes et al. '439**

By way of the Office Action mailed July 16, 2003, Examiner Salvatore rejected claims 1 - 11 under 35 U.S.C. § 102(e) as allegedly being anticipated by Stokes et al. (U.S. Patent No.

Appl. No. 10/005,743

Amdt. dated Oct. 16, 2003

Reply to Office Action of July 16, 2003

6,528,439). This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Stokes et al. '439 is directed to crimped and resilient polymer fibers and fabrics and laminates made from such fibers. However, Stokes et al. '439 does not disclose or teach the single component, helically crimped fibers of the present invention. All of the discussion of helical crimp in Stokes et al '439 is in regard to the natural helical crimp of bicomponent fibers (column 7, lines 45 to column 9, line 59). There is no disclosure or teaching of single component, helical crimped fibers in Stokes et al. '439.

Because Stokes et al. '439 fails to disclose each and every element of the Applicants' claims, Applicants respectfully submit that the rejection of claims 1 – 11 under 35 U.S.C. § 102(e) in view of Stokes et al. '439 is improper and should be withdrawn.

#### **4. R ejection for obviousness**

By way of the Office Action mailed July 16, 2003, Examiner Salvatore rejected claim under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Bishop et al., US 5,486,166, or Stokes et al., US 5,858,515, or Stokes et al., US 6,528,439 in view of U.S. Patent Number 5,607,550 to Akers. This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

Applicant believes that a prima facie case for obviousness has not been made with respect to claim 12. As the Examiner has pointed out, neither Bishop, Stokes et al. '515, nor Stokes et al '439 disclose fibers composed of a super-absorbent polymer. Akers teaches an absorbent non-woven fabric comprising super-absorbent polymer fibers. There is no suggestion or motivation in Bishop, or Stokes et al. ('515 or '439) to crimp, or use, such a super-absorbent fiber as disclosed in Akers. Likewise, there is no suggestion or motivation in Akers that such a fiber should or even could be helically crimped.

Additionally, as discussed in the rejections of claims 1 -11 and 13 – 14, neither Bishop et al., Stokes et al. '515, nor Stokes et al. '439 teaches or discloses the single component, helically crimped fibers of the present invention. Therefore, the prima facie case of obviousness is not satisfied as the combination of references does not provide for each and every element of the present invention.

Thus the Applicants respectfully ask that the obviousness rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

Appl. No. 10/005,743  
Amdt. dated Oct. 16, 2003  
Reply to Office Action of July 16, 2003

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8096.

Respectfully submitted,

BROWN ET AL.

By: 

William D. Herrick  
Registration No.: 25,468  
Attorney for Applicant(s)

RECEIVED  
CENTRAL FAX CENTER

OCT 16 2003

OFFICIAL

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on October 16, 2003, this document is being sent by facsimile to the United States Patent and Trademark Office, Technology Center 1700, "Before Final" facsimile machine at 703-872-9310.

By: 

Nathan Hendon